



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 15
600 South Maestri Place – 7th Floor
New Orleans, LA 70130-3413

Agency Website: www.nlrb.gov
Telephone: (504)589-6362
Fax: (504)589-4069

September 21, 2021

R. Michael McHale, Esquire
McHale Law Firm
631 Kirby Street
Lake Charles, LA 70601-5331
mchalelawfirm@yahoo.com

Terrell D. Fowler, Esq.
625 Kirby Street
Lake Charles, LA 70601
fowlerlaw88@aol.com

Re: International Brotherhood of Electrical
Workers Local Union No. 861
(Fisk Electric)
Case 15-CB-219630

Dear Mr. McHale and Mr. Fowler:

We have carefully investigated and considered your charge that the International Brotherhood of Electrical Workers, Local Union No. 861 (Union) violated the National Labor Relations Act.

Decision to Dismiss: Based upon further review, for the reasons discussed below, I have determined there is insufficient evidence to find a violation of the Act.

Your charge alleges:

1. On or about (b) (6), (b) (7)(C) 2018, the Union unlawfully told (b) (6), (b) (7)(C) to leave the Fisk Electric jobsite for failing to produce a Union dues receipt upon request.
2. On or about (b) (6), (b) (7)(C) 2018, the Union, by its agent the Lake Charles Electrical Joint Apprenticeship & Training Committee, unlawfully expelled (b) (6), (b) (7)(C) from its joint apprentice program.

Allegation 1 was amended into the charge more than six months after (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) knew or should have known of the conduct (b) (6), (b) (7)(C) claims violated the Act, and the evidence is insufficient to establish Allegation 1 is “closely related” to the original charge allegation. Therefore, I am dismissing Allegation 1 as barred by the prescriptive period in Section 10(b) of the Act. *See also, Redd-I, Inc.*, 290 NLRB 1115 (1988).

Additionally, the investigation found insufficient evidence the Union caused the JATC to expel (b) (6), (b) (7)(C) from the JATC apprenticeship program for unlawful motives in violation of the Act as claimed in Allegation 2. Therefore, there is insufficient evidence to establish a violation of the Act and I am dismissing Allegation 2. *See, e.g., Int’l. Broth’d. of Elec. Wrkrs, Local 429*, 357 NLRB 332 (2011) (apprenticeship committee violated Act when case established committee member acted at behest of local union against apprentice).

Charging Party’s Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: You must file your appeal electronically or provide a written statement explaining why electronic submission is not possible or feasible (Written instructions for the NLRB’s E-Filing system and the Terms and Conditions of the NLRB’s E-Filing policy are available at www.nlr.gov. See [User Guide](#). A video demonstration which provides [step-by-step instructions](#) and frequently asked questions are also available at www.nlr.gov. If you require additional assistance with E-Filing, please contact e-filing@nlrb.gov).

You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. If you cannot file electronically, please send the appeal and your written explanation of why you cannot file electronically to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **October 5, 2021**. If the appeal is filed electronically, the transmission of the entire document through the Agency’s website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than October 4, 2021. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

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Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before October 5, 2021**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after October 5, 2021, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor requests to limit our use of appeal statements or evidence. Upon a request under the Freedom of Information Act (FOIA) by a party during the processing of an appeal, the Agency's FOIA Branch discloses appeal statements, redacted for personal privacy, confidential source protection, or other applicable FOIA exemptions. In the event the appeal is sustained, any statement or material submitted may be introduced as evidence at a hearing before an administrative law judge. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Very truly yours,

Sandra L. Hightower / by pal

Sandra L. Hightower
Acting Regional Director

SLH/pal

Enclosure

cc: Carmella L. Thomas
Director of Organizing
International Brotherhood of
Electrical Workers
900 7th Street, NW
Washington, DC 20001-4089
carmella.thomas@ibew.org

Jeff Sanders, Business Manager
International Brotherhood of Electrical
Workers, Local Union 861
PO Box 16985
3000 Hwy. 90 East
Lake Charles, LA 70616-6985

(See: Parties on page 4)

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Kevin R. Mason-Smith, Esq.
Robein Urann Spencer Picard
& Cangemi, APLC
2540 Severn Avenue, Suite 400
Metairie, LA 70002-5955
kmason@ruspclaw.com

(b) (6), (b) (7)(C)

Ray Hadley
Fisk Electric
Sasol Westlake
2201 Old Spanish Trail
Westlake, LA 70669-7800

Ray Hadley
Fisk Electric Company
181 James Drive W
St. Rose, LA 70087-4030
rhadley@fiskcorp.com